

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 428**  
94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR PURGASON.

Offered April 17, 2007.

Senate Substitute adopted, April 17, 2007.

Taken up for Perfection April 17, 2007. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

1607S.04P

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**AN ACT**

To amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.300, to read as follows:

**261.300. 1. As used in this section, the following terms mean:**

(1) "Animal", all members of the animal kingdom except humans and insects. Animal does not include undomesticated animals living in the wild;

(2) "Department", the Missouri department of agriculture;

(3) "Director", the director of the department of agriculture;

(4) "Livestock", equines (horse, mules, donkeys, burros), bovines (cattle and bison), cervids (deer and elk), ovine (sheep), caprine (goats), porcine (swine), camelids (llamas and alpacas), poultry (chickens, ducks, emu, geese, guineas, pheasants, quail, turkeys), and any other animal that the federal government may include in a national animal identification system. Livestock does not include undomesticated animals living in the wild;

(5) "Person", individuals, corporations, partnerships, associations, or other legal entities and agents of such entities;

(6) "Premises", a location where livestock are raised, held, or boarded;

18           **(7) "Source verification program", a program that tracks**  
19 **individual animals or groups of animals in order to determine the**  
20 **origin of such animal or group, the identity of all other animals that**  
21 **have been in contact with it, and the location of premises at which it**  
22 **has been held in its lifetime.**

23           **2. (1) The department shall have the authority to validate or**  
24 **certify the procedures used by any private source verification program**  
25 **for the purpose of providing a state-issued validation or certification**  
26 **for such private source verification programs.**

27           **(2) The state of Missouri shall not establish or participate in the**  
28 **national animal identification system or any other similar source**  
29 **verification program beyond the existent Missouri cattle specific source**  
30 **verification at the state level without the approval of the general**  
31 **assembly.**

32           **(3) The prohibition in this section also applies to the components**  
33 **of a source verification program, including premises registration and**  
34 **databases, animal identification and databases, and animal movement**  
35 **tracing and databases beyond the minimum necessary for the Missouri**  
36 **cattle specific source verification program.**

37           **(4) All cooperative agreements between the federal government**  
38 **and this state, or between this state and other states, established before**  
39 **the effective date of this section and related to the establishment of**  
40 **databases and other matters related to the national animal**  
41 **identification system are hereby terminated and null and void as to this**  
42 **state's participation.**

43           **3. The department of agriculture shall:**

44           **(1) Immediately notify all citizens, via public service**  
45 **announcement or any other medium the department deems reasonable,**  
46 **whose premises information previously has been submitted to the**  
47 **United States Department of Agriculture National Premises Information**  
48 **Repository without their full and informed consent; and**

49           **(2) Develop a procedure with the United States Department of**  
50 **Agriculture whereby, upon the request of any citizen, such citizen's**  
51 **data shall be expunged from the USDA National Premises Information**  
52 **Repository as well as the Missouri animal identification plan system.**

53           **4. This section does not prohibit:**

54           **(1) The state from establishing or participating in disease control**

55 programs specifically designed to address a known disease in a specific  
56 species of livestock;

57 (2) The state from operating livestock identification, brand  
58 registration, and inspection programs as authorized under state law;

59 (3) Private agricultural industry organizations from establishing  
60 voluntary source verification programs for their own members or  
61 others who elect to participate; except that, any private system shall be  
62 subject to the following conditions and limitations:

63 (a) The program shall provide for full and informed consent of  
64 all participants, including disclosure of the entire program, the  
65 possible uses of information collected under the program, and every  
66 entity or person to whom such information may be disclosed;

67 (b) Persons who enroll in the program shall be permitted to  
68 withdraw from the program at any time and their personal information  
69 shall be permanently removed from program records;

70 (c) No public moneys shall be used to support such a program;

71 (d) The private program shall be considered a commercial term  
72 subject to laws restricting unfair competition; and

73 (e) A private source verification program identification device  
74 or marking shall not supplant, supersede, or make unreadable this  
75 state's or any local entity's brand or mark on any animal. A source  
76 verification program's rules shall not supersede this state's brand or  
77 marking system rules as a matter of law.

78 5. The department of agriculture shall not require participation  
79 in a Missouri specific source verification program for cattle or for any  
80 other species of livestock.

81 6. (1) No essential services, licenses, permits, certifications,  
82 insurance or risk management coverage, or other incentives shall be  
83 provided to any participant in an animal identification or premises  
84 registration program based solely on such person's participation in the  
85 program.

86 (2) No services, compensation, licenses, permits, certifications,  
87 insurance or risk management coverage, special consideration, or other  
88 incentives shall be denied, revoked, or limited based solely on lack of  
89 participation in an animal identification or premises registration  
90 program.

91 (3) Neither this state nor any political subdivision of this state

92 shall require any of its suppliers to participate in a premises  
93 registration or animal identification program as a condition of  
94 supplying goods or services.

95 (4) Failure to participate in a premises registration or animal  
96 identification program or the providing of services to persons who are  
97 not participants in a premises registration or animal identification  
98 program shall not be deemed a crime, nor evidence of any negligence  
99 or gross negligence on the part of any livestock owner or provider of  
100 goods or services.

101 (5) Nothing in this subsection shall be construed as prohibiting  
102 or restricting any livestock sale programs or events based on source  
103 verification programs.

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Bill

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